

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-v-

Case No. 3:25-CR-0087 (AJB)

JESUS ROMERO-HERNANDEZ,

Defendant.

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**SENTENCING MEMORANDUM**

DATED: June 18, 2025

Respectfully submitted,

LISA A. PEEBLES  
Federal Public Defender  
Bar Roll No. 507041  
Clinton Exchange, 3<sup>rd</sup> Floor  
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## **I. PRELIMINARY STATEMENT**

On March 25, 2025, Jesus Romero-Hernandez pled guilty to a one count information, charging him with illegal reentry in violation of 8 U.S.C. § 1326(a).

On June 4, 2025, the United States Probation Department filed a final Presentence Investigation Report (“PSR”). According to the PSR, Mr. Romero-Hernandez’s guideline range is 1 to 7 months, based on a total offense level of 6 and a criminal history category of II. He has been in custody since his arrest on January 30, 2025. On the date of sentencing, he will have already served 5 months.

The defense respectfully requests that the Court impose a sentence of time served since it falls at the higher end of the guideline range, and Mr. Romero-Hernandez will be in immigration custody following the disposition of his case before he is deported. Such a sentence is more than sufficient to achieve the statutory purposes of punishment as required by 18 U.S.C. § 3553(a)(2).

## **II. MR. JESUS ROMERO-HERNANDEZ HISTORY AND CHARACTERISTICS**

Mr. Romero-Hernandez is a 25-year-old citizen of Mexico. He has a documented history of mental illness and was deemed incompetent to assist in his defense in early 2024. Once he complied with his medication regime, he was restored to competency and released from the Central New York Psychiatric Center in Marcy, New York. It is apparent that his arrest record is a result of his mental illness and drug abuse.

Mr. Romero-Hernandez entered the United States to work and earn a better living than what he could in Mexico. He grew up in poverty with little resources and believed this country offered more opportunities. Unfortunately, his mental illness coupled with his drug addiction interfered with his success. He is desperate to return to Mexico and reunite with his family. He has not spoken to his family members in over one year.

### **III. NATURE AND CIRCUMSTANCES OF THE OFFENSES**

Mr. Romero-Hernandez had made multiple attempts to illegally enter the United States in 2016, when he was only 16 years old. He tried six times within a 3-month period before he was finally charged with a misdemeanor offense for entering illegally. After two years, when he was 18 years old, he reentered, and he has been here ever since. While living in the United States, he worked as a landscaper and house cleaner.

He has been in custody for almost 5 months, close to the high end of the recommended guideline range. Mr. Romero-Hernandez clearly suffers from mental health issues and requires support from his family. A time-served sentence is more than adequate to satisfy the statutory purposes of punishment in this case. Mr. Romero-Hernandez can no longer obtain any treatment or services while in the United States. He is not eligible to remain in this country and will be deported upon completing his sentence for this offense.

### **IV. CONCLUSION**

In this case, a sentence of time served is sufficient but not greater than necessary to achieve the statutory purposes of punishment as required by Section 3553(a)(2).

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